

Notice of Allowability

Application No.

10/743,117

Examiner

James M Hewitt

Applicant(s)

PAULSON, JEROME I.

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed 10/18/04.
 2. ☒ The allowed claim(s) is/are 3, 2, and 4-20 renumbered as 1-19 respectively.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JAMES M. HEWITT
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Larry Miller on 1/6/05.

The application has been amended as follows:

In claim 3 line 14, "the reduce" has been deleted.

In claim 3 lines 15-16, the phrase "cross-section having a generally triangular configuration" has been replaced with the phrase --cross-section, wherein said non-circular cross-sectional area is generally triangular--.

In claim 5 line 1, "transition" has been replaced with --transitional--.

In claim 5 line 2, "into" has been replaced with --towards--.

In claim 8 line 8, the phrase "in a dense phase" has been deleted.

In the specification:

In line 2 of paragraph [0013], --an inner surface of-- has been inserted before "the outer side".

In line 2 of paragraph [0017], --an inner surface of-- has been inserted before "the outer side".

In line 2 of paragraph [0018], --an inner surface of-- has been inserted before "the outer side".

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In lines 2-3 of paragraph [0022], --an inner surface of-- has been inserted before "the outer side".

In line 2 of paragraph [0023], --an inner surface of-- has been inserted before "the outer side".

In line 2 of paragraph [0025], --an inner surface of-- has been inserted before "the outer side".

In line 3 of paragraph [0047], --an inner surface of-- has been inserted before "the outer side".

In lines 1-2 of paragraph [0048], --an inner surface of-- has been inserted before "the outer side".

In line 4 of paragraph [0048], --an inner surface of-- has been inserted before "the outer side".

In line 7 of paragraph [0049], --an inner surface of-- has been inserted before "the outer side".

In line 5 of paragraph [0050], "33" has been replaced with --34--.

In line 9 of paragraph [0053], "33" has been replaced with --34--.

In line 10 of paragraph [0053], --an inner surface of-- has been inserted before "the outer side".

In line 10 of paragraph [0053], "33" has been replaced with --34--.

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Replacement sheets with no markings

and having the changes reflected in the drawing sheets filed 10/18/04 should be diled. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, singly or in combination, an elbow fitting as claimed in detail in claims 3 and 14, or a method of effecting a directional change in a flow path of product particles as claimed in detail in claim 8.

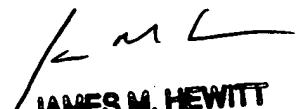
The closest prior art is Weiste (US 6,443,671) and Heine et al (US 4,641,864). Regarding claim 3, neither reference teaches or fairly suggests, among other limitations, that the non-circular cross-sectional area is generally triangular, which as noted in Applicant's specification is a feature critical to the device. Regarding claim 8, neither reference teaches or fairly suggests the limitation "said layer of accumulated product particles moving toward said outlet pipe at a velocity slower than a velocity of incoming particles moving from said inlet pipe into said elbow fitting". Also note Applicant's remarks on pages 10 and 11 of the response filed 10/18/04. Regarding claim 14, with respect to Weiste, note Applicant's remarks on pages 10 and 11 of the response filed 10/18/04. And Heine et al fails to teach or fairly suggest the claimed inlet transition portion, curved expansion portion and outlet transitional portion.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M Hewitt whose telephone number is 703-305-0552. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER